



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
200 STOVALL STREET
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IN REPLY REFER TO
JAGINST 5720.2A
JAG 13
30 NOV 1992

JAG INSTRUCTION 5720.2A

From: Judge Advocate General

Subj: INDEXING NAVY DEPARTMENT FINAL OPINIONS AND STATEMENTS OF
POLICY OR INTERPRETATION RENDERED BY THE JUDGE ADVOCATE
GENERAL

Ref: (a) Freedom of Information Act, 5 U.S.C. § 552
(b) DODDIR 5400.7 of 13 May 88, DoD Freedom of Information
Act Program
(c) SECNAVINST 5720.45, Indexing, Public Inspection, and
Federal Register Publication of Department of the Navy
Directives and Other Documents Affecting the Public

1. Purpose. To comply with references (a), (b), and (c) by
establishing criteria and procedures for indexing Navy Department
final opinions and statements of policy or interpretation
rendered by the Judge Advocate General (JAG).

2. Cancellation. JAG Instruction 5720.2.

3. Policy. Reference (a) requires JAG to make available for
public inspection and copying Navy Department final opinions and
statements of policy or interpretation in decisional documents
created by JAG in the adjudication of cases. Reference (a) also
requires JAG to maintain and make available to the public current
indexes providing identifying information about those decisional
documents.

4. Definitions

a. *Final opinion*. A final Navy Department determination
made in the adjudication of cases described in paragraph 5 below.

b. *Statements of policy or interpretation*. Policy or
interpretation of constitutional, statutory or other authorities
made by JAG for the Navy Department.

c. *Decisional document*. Contains the Navy Department final
opinion or statement of policy or interpretation rendered by JAG
in a specific case.

d. *Index*. A topical summary outline or numerical locator of
Navy Department final opinions and statements of policy or
interpretation that enables the public to isolate desired
decisional documents from others covered by the index. The means
by which decisional documents may be found.

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5. Applicability

a. Decisions on remission or suspension of courts-martial sentences and petitions for relief under Articles 69 and 73 of the Uniform Code of Military Justice (10 U.S.C. §§ 869 and 873) (Director, Administrative Support Division, Navy Appellate Review Activity).

b. Decisions on decertification of military judges and judge advocates (Deputy Assistant Judge Advocate General (Administrative Law)).

c. Formal written advice on ethics and standards of conduct, including post-Government service employment restrictions, applicable to naval personnel (Deputy Assistant Judge Advocate General (Administrative Law)).

d. Final determinations for the Secretary of the Navy about entitlement of Navy and Marine Corps Reservists to pay and allowances, and medical care at Government expense as the result of a disability (Deputy Assistant Judge Advocate General (Civil Affairs)).

e. Final determinations for the Secretary of the Navy involving relief from liability for accountable officers for losses of entrusted Government funds (Deputy Assistant Judge Advocate General (Civil Affairs)).

6. Index Content. Index design depends on the number and complexity of issues involved in cases indexed.

a. To identify a discrete decisional document, at a minimum, the index must include the following and be updated quarterly with new topical index headings added as appropriate.

(1) A list of opinions by topic.

(2) A brief summary of the facts and rationale supporting the final opinion, or statement of policy or interpretation.

(3) The final Departmental disposition of an individual case.

(4) The identification of the servicemember involved in an individual case as a member of the Navy or Marine Corps, to include duty status and rank (personal identifiers such as the servicemember's name and social security number must be deleted).

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(5) A cross-reference of decisional documents that could be listed under more than one topical index heading.

b. In the alternative, an index need not summarize a final opinion, statement of policy or interpretation if the decisional document and possible supporting memorandum describe its facts and/or rationale. In that event, the topical index must be detailed enough so that only a relatively narrow range of decisional documents can properly be indexed in any index heading.

7. Decisional Document File. Cognizant Division Directors shall maintain a separate file of decisional documents identified in the index. Personal identifiers in a decisional document, release of which would constitute a clearly unwarranted invasion of personal privacy, shall be deleted.

8. Effective Date/Implementation. This instruction is effective immediately. Decisional document files and indexes thereof shall be maintained by the cognizant Divisions in the Office of the Judge Advocate General identified in paragraph 5 above.

9. Tasking. The Special Assistant (Inspector General) will conduct an annual inspection of affected OJAG activities to ensure compliance with this instruction.

W. L. SCHACHTE, JR.
Acting Judge Advocate General

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